

Claims 58 to 60 are also written using language derived from the language of the Martin patent. Claim 58, however, does not recite the impermeable outer sheet of the Martin patent claims.

On allowance of these claims, it is believed that an interference must be declared between the present application and the Martin patent.

2. Information Disclosure Statement

Applicants submit herewith a PTO 1449 listing the references that were cited in the parent application to this one, and also those references which applicants have obtained that were cited in U.S. Patent 5,766,159, to Martin et al., with which the present application is expected to be in interference. A copy of the Martin patent is also supplied.

3. Allowability of Present Claims

Claims 61 to 65 were already issued in an application with a later effective date than the present application, and therefore presumptively should be allowable.

The other claims pending in this application are also believed to be in allowable form. These claims recite a process for making an absorbent article, or an absorbent article defined as a product of such a process. The processes of these claims recite treating a cellulosic pulp comprised of wood pulp fibers with an alkali solution at a prescribed temperatures to yield wood pulp fibers having improved absorbency characteristics. This treated pulp is recovered, dried, fluffed, and then incorporated into an absorbent device that has a permeable cover sheet.

The prior art completely fails to suggest such a process or product.

The Meinhoefer patent, the main reference cited in the prosecution of the Martin patent with which an interference is sought, teaches only a process in which there is *complete* digestion of fiber with a base, i.e., the pulp in Meinhoefer is processed to a point where no fibers exist any longer. The digested product is then sprayed through a spinnerette to yield a rayon fibers which are completely different from the absorbent wood pulp fibers produced according to the invention produced by the processes of the present claims. Furthermore, there is no suggestion in Meierhoefer of treating pulp to produce a treated pulp that still contains fibers, and if such a pulp were formed, it would be expected to present problems if one were to attempt to spray it through the spinnerettes, as Meierhoefer teaches. The Meinhoefer reference therefore fails to suggest the claimed process or article.

U.S. Patent No. 1,913,283 to McCormick et al. cited in the parent application teaches treating pulp with sodium hydroxide. The pulp is then wet-pressed into paper, which is preferentially made into artificial leather. Nowhere does McCormick suggest the steps of fluffing and incorporating the fluffed pulp in an absorbent device, as recited in the present claims, and as is necessary to take full advantage of the absorptive properties of pulp processed in accordance with the invention. McCormick consequently fails to suggest the claimed invention.

The other cited references are mostly cited for ancillary structure of absorbent devices. See, e.g., U.S. Patent 5,091,240 to Kajander et al., cited in the Martin patent prosecution. These references do not suggest use as claimed of cold caustic extracted and fluffed pulp in absorbent devices, and the claims herein readily distinguish over these references.

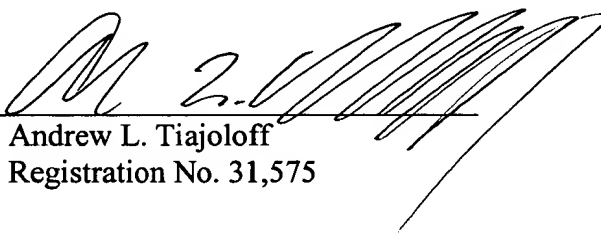
The claims herein distinguishing over the prior art in structure, function, and result,  
formal allowance is respectfully solicited.

Should any questions arise, the Examiner is invited to telephone attorney for applicant at  
212-351-3447.

Respectfully submitted,

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